

REMARKS

Claims 1-8 are pending in this Application. Of these pending claims, Claims 1-4 stand rejected; and Claims 5-8 are objected to. By way of this paper, Claims 1-8 have been amended.

The foregoing amendments and following remarks are believed to be fully responsive to the outstanding office action, and are believed to place the Application in condition for allowance.

Claim Objections

Claims 5-8 stand objected to as being drawn to multiple dependent claims. By way of this paper, Claims 5-8 have been amended to correct these minor informalities. Accordingly, Applicant now respectfully requests reconsideration and withdrawal of the objections to Claims 5-8.

Claim Rejections – 35 U.S.C. § 112

Claims 1-4 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner has objected to the term “preferably” in Claim 1, to the two preambles in Claim 2, to the term “the drag element” in Claim 2, to the term “available” in Claim 3, to the term “one drag element” in Claim 3, and to the term “the drag element” in Claim 4. By this Amendment, such terms have been amended in Claims 1-4 to clarify, and now particularly point out and distinctly claim, the subject matter which Applicant regards as the invention. Accordingly, Applicant now respectfully requests reconsideration and withdrawal of the rejections under 35 U.S.C. §112, of Claims 1-4.

Claim Rejections – 35 U.S.C. § 102

Claims 1-4 stand rejected under 35 U.S.C. §102 as being anticipated by the Holtje ('740) reference. The Holtje reference is directed to a disk type inverter-stacker with a drag element. The drag element, corresponding to Applicant's claimed drag element, is actually element 19a of the reference (not


element 28a as suggested by the Examiner). Such drag element is located at the radial interior side of the at least one stacking device, not the radial exterior side as now particularly recited in the claims. This radial exterior positioning of the drag element is an important aspect of Applicant's invention in that it enables accommodation of varying height differences at the sheet stack. Accordingly, the rejection under 35 U.S.C. §102 is respectfully considered to be improper and should now be withdrawn. Thus, it is respectfully requested that Claims 1-4, as amended, should now be reconsidered and allowed.

CONCLUSION

It is respectfully submitted that, in view of the above amendments and remarks, this Application is now in condition for allowance, prompt notice of which is earnestly solicited.

The Examiner is invited to call the undersigned in the event that a phone interview will expedite prosecution of this Application towards allowance.

Respectfully submitted,


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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.